

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

HUBER HEIGHTS VETERANS
CLUB, INC.,

Plaintiff,

Case No. 3:22-cv-159

vs.

KEVIN A. BOWMAN, *et al.*,

District Judge Michael J. Newman
Magistrate Judge Caroline H. Gentry

Defendants.

ORDER: (1) GRANTING DEFENDANTS' MOTION TO DISMISS (Doc. No. 5); (2) DISMISSING THIS CASE WITH PREJUDICE; (3) DENYING AS MOOT ALL PENDING MOTIONS (Doc. Nos. 11, 25, 27, 32); AND (4) TERMINATING THIS CASE ON THE DOCKET

This is a civil case for which both sides are represented by counsel. Plaintiff is Huber Heights Veterans Club, Inc., an Ohio non-profit corporation. Defendants are: (1) Kevin A. Bowman; (2) Timothy R. Webb; (3) Voiture Nationale La Societe des 40 Hommes et 8 Chevaux; (4) Jessika N. Webb; (5) Frank W. Kronen; and (6) Joseph M. Dolwig. The long prior litigation history between the parties includes, among other cases, the following matters in this Court, the United States Bankruptcy Court for the Southern District of Ohio, and Ohio's state courts. *See VFW Post 9966, et al.*, Case No. 3:23-cv-121 (S.D. Ohio 2024); *In re: Montgomery Cnty. Voiture No. 34 la Societe des 40 Homes et 8 Chevaux*, Case No. 3:19-bk-31489 (U.S. Bankr. S.D. Ohio 2019); *Montgomery Cnty. Voiture No. 34 la Societe des 40 Hommes et 8 Chevaux v. Grande Voiture d'Ohio la Societe des 40 Hommes et 8 Chevaux*, Case No. 2019-CVG-00882-E (Montgomery Mun. 2019); *Simpson v. Voiture Nationale de la Societe Quarante Hommes et Huit*

Chevaux, Case No. 2020-cv-2123 (Montgomery C.P. 2021); *Grande Voiture d'Ohio La Societe des 40 Hommes et 8 Chevaux v. Montgomery Cnty. Voiture No. 34 La Societe des 40 Hommes et 8 Chevaux*, Case No. 2018-cv-01457 (Montgomery C.P. 2019); *Huber Heights Veterans Club v. Webb*, Case No. 2021-cv-04538 (Montgomery C.P. 2022); *Huber Heights Veterans Club v. Grande Voiture d'Ohio la Societe des 40 Hommes et 8 Chevaux*, Case No. 2020-cv-02183 (Montgomery C.P. 2021); *Huber Heights Veterans Club v. Grande Voiture d'Ohio la Societe des 40 Hommes et 8 Chevaux*, Case No. 2021-cv-01227 (Montgomery C.P. 2021); *Huber Heights Veterans Club v. VFW Post 9966*, Case No. 21-cv-0277 (Clark C.P. 2023); *Huber Heights Veterans Club, Inc. v. Grande Voiture d'Ohio la Societe des 40 Hommes et 8 Chevaux*, 2d Dist. Montgomery No. 29078, 2021-Ohio-2695 (Ohio App. 2 Dist., 2021); *Huber Heights Veterans Club, Inc. v. Grande Voiture d'Ohio La Societe des 40 Hommes et 8 Chevaux*, 2d Dist. Montgomery No. 29095, 2021-Ohio-2784 (Ohio App. 2 Dist., 2021); *Huber Heights Veterans Club v. Bowman*, 2d Dist. Montgomery 29175, 2021-Ohio-3944 (Ohio App. 2 Dist., 2021); and *Huber Heights Veterans Club v. Bowman*, Case No. 2021-cv-01570 (Ohio App. 2 Dist., 2021). See also Doc. No. 8 at PageID 34.

Having carefully reviewed the complaint in this matter, it is clear and beyond dispute that Plaintiff's claims have been previously litigated between the parties or could have been litigated between them. Thus, the current claims are subject to dismissal on *res judicata* and/or collateral estoppel grounds. See *Montana v. U.S.*, 440 U.S. 147, 153 (1979) (citations omitted) (defining *res judicata* as the principle that "a final judgment on the merits bars further claims by parties or their privies based on the same cause of action"); *Allen v. McCurry*, 449 U.S. 90, 95 (1980) (citations omitted) (defining "collateral estoppel" as the principle that "once a court has decided an issue of

law or fact necessary to its judgment, that decision may preclude relitigation in a suit on a different cause of action involving a party to the first case”).

Accordingly, Defendants’ motion to dismiss, premised on both Fed. R. Civ. P. 12(b)(1) and 12(b)(6) (Doc. No. 8) is **GRANTED** and this case is **DISMISSED WITH PREJUDICE**. All pending motions (Doc. Nos. *11, 25, 27, 32*) are **DENIED AS MOOT**. This matter is **TERMINATED ON THE DOCKET**.

IT IS SO ORDERED.

Date: January 30, 2024

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge